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# Congress of the United States

House of Representatives

Washington, DC 20515-4320

May 31, 2007

07-57

COMMITTEE ON  
ENERGY AND COMMERCE  
SUBCOMMITTEE ON COMMERCE, TRADE, AND  
CONSUMER PROTECTION  
SUBCOMMITTEE ON ENVIRONMENT AND  
HAZARDOUS MATERIALS  
SUBCOMMITTEE ON  
TELECOMMUNICATIONS AND THE INTERNET  
SUBCOMMITTEE ON  
ENERGY AND AIR QUALITY  
CHAIR OF THE CONGRESSIONAL HISPANIC  
CAUCUS CIVIL RIGHTS TASK FORCE

12 JUN 2007 RCVD

FILED/ACCEPTED

AUG 1 0 2007

Federal Communications Commission  
Office of the Secretary

The Honorable Alberto R. Gonzales  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C. 20530

The Honorable Kevin Martin  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

The Honorable Deborah Platt Majoras  
Chairman, Federal Trade Commission  
600 Pennsylvania Ave. NW  
Washington, DC 20580

Dear Mr. Attorney General Gonzales, Chairman Martin and Chairman Majoras:

I am writing to express my concern regarding the potential merger between Sirius Satellite Radio and XM Satellite Radio—the nation's only two satellite radio providers. I believe that sanctioning the merger of the only two competitors in the satellite radio market would create a monopoly which would be devastating to consumers.

The FCC demonstrated sound reasoning in its initial decision to license satellite radio operations when it stated, "Even after DARS licenses are granted, one licensee will not be permitted to acquire control of the other remaining satellite DARS license."

The FCC decision has resulted in robust competition and expanded choice for the American consumer, all of which would be undermined by a merger of Sirius and XM. Without the presence of a similarly-situated, direct competitor, a united Sirius/XM would be free to raise consumer prices. Additionally, there is scant evidence that a merger would produce any cost savings that would be passed on to subscribers. Both companies are locked into several multi-million dollar long-term contracts for talent and programming.

Present circumstances do not warrant the FCC's complete reversal of its conclusions in the satellite radio licensing decision. The FCC has never before allowed the only two competitors in a given market to merge and I seriously question the validity and benefits of authorizing such a merger now.

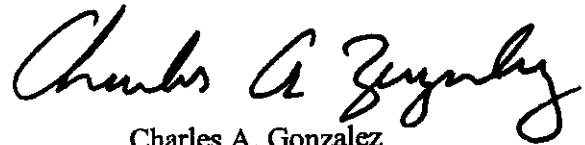
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I call on the DOJ, the FCC and the FTC to continue to protect consumers, and promote competition by giving serious consideration to the concerns expressed in this letter which mitigate against the approval of the merger.

Sincerely,

A handwritten signature in black ink, reading "Charles A. Gonzalez". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles A. Gonzalez  
Member of Congress

CAG:LM